IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 963 of 2007(M)

PETITIONER:

K. PREETHA, AGED 30 YEARS,
W/O.OF SAJEEV, WORKING AS JUNIOR PUBLIC
HEALTH NURSE, PRIMARY HEALTH CENTRE,
ERAVIPURAM, RESIDING AT ASHOKA NIVAS,
KANDRAMKANNI, KOLLAM.

BY ADV. SRI.V.V.RAJA
SRI.R.RENJITH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPATSMENT OF HEALTH AND
FAMILY WELFARE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HEALTH SERVICES,
DIRECTORATE OF HEALTH SERVICE,
THIRUVANANTHAPURAM.

3. THE DISTRICT MEDICAL OFFICER OF
HEALTH, KOLLAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C)No. 963 OF 2007 M

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Dated this the 9th January, 2007

J U D G M E N T

The challenge is to that part of Ext. P3 order passed by the District Medical Officer of Health, Kollam on 18-5-2006 wherein it is observed that the petitioner will be treated as juniormost in the seniority list of Junior Public Health Nurses in Kollam. It is contended that the petitioner is not liable to forfeit her seniority and therefore Ext. P3 is liable to be set aside. The petitioner, it appears, has filed Ext. P6 before the same authority for a reconsideration of the above statement contained in the impugned order. But no decision has been taken on Ext. P6. Counsel for the petitioner submits that in the light of Exts. P4 and P5, the contention taken by the petitioner deserves merit.

2. Without expressing any opinion on the merits of the contentions urged by the petitioner, I think, the writ petition can be disposed of with appropriate directions to the 3rd respondent, because, that respondent despite Ext. P6 has not taken up the same

for consideration or has disposed of the same, in accordance with law.

3. Hence, there shall be an order directing the 3rd respondent to consider Ext. P6 without further delay, at any rate, within one month from the date of receipt of a copy of the judgment and pass appropriate orders in accordance with law.

The writ petition is disposed of with the above direction. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 3rd respondent for necessary action.

K.K. DENESAN
JUDGE

jan/